IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 25273 of 2005

Between:

Smt.Amatul Aziz Zaheda

..... PETITIONER

AND

The Inspector of Police,

Hussaini Alam Police Station,
Hyderabad.

.....RESPONDENT

ORDER:

Seeking a Mandamus, directing the respondent to initiate proceedings on the basis of the complaint dated 29.04.2005 before the competent Court against Saleem Siddiqui, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

It is stated that the petitioner has got three sons and her elder son Syed Saad Makki was miserably beaten by Ather Siddiqui, S/o.Saleem Siddiqui and in that connection, a report was filed and basing on which, F.I.R.No.116/2002, dated 29.09.2002 was registered. Thereafter, the said accused came to the house of the petitioner on 17.03.2003 and beat the petitioner and her sons miserably, due to which, her elder son received multiple injuries and therefore, the petitioner filed another report, and basing on which, Crime No.27/2003 was registered on 18.03.2003 for the offence under Section 448, 323 and 506 of I.P.C. but no action has been taken against Ather Siddiqui.

The respondent filed counter alleging that the petitioner lodged a complaint on 18.03.2003 against one Saleem Siddiqui and another residents of H.No.20-1-394, Kokakitatti, Hyderabad, alleging that they have attacked her minor sons and beat her and her minor children who received injuries. Basing on the said complaint, Cr.No.27/2003 under Section 448, 323 and 506 was registered and during course of investigation A1-Mr.Saleem Siddiqui was arrested on 30.06.2003 and A2-Mr.Ather Siddiqui is absconding. After completion of investigation, a charge sheet is also filed against A1 before the II Metropolitan Magistrate at Hyderabad and the same was numbered as CC.No.297/2003 under Section 323 and 506 IPC. In so far as A2-Mr.Ather Siddiqui is concerned, as he being minor, separate charge sheet will have to be filed after his apprehension before the VIII Metropolitan Magistrate at Hyderabad (Juvenile Court). It is further stated that as A2 is absconding, all efforts are going on to trace out the said accused.

As the offence is said to have been taken place in the year 2003, there is no justification on the part of the respondent in not apprehending A2-Mr.Ather Siddiqui and in not filing charge sheet before the concerned Court.

Having regard to the facts and circumstances of the case, the respondent shall take all necessary steps to apprehend A2-Mr.Ather Siddiqui and file charge sheet against him, as expeditiously as possible, not later than six months, from today, before the appropriate Court.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 14.12.2005

Dsr